

Appl. No. : 10/732,992
Filed : December 11, 2003

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REMARKS

Applicants are amending herewith generic Claims 43, 73 and 76 to recite that the absorbent of the absorbent solution consists essentially of the alkaline metal hydroxide, alkaline earth metal hydroxide or mixtures thereof. The language of the claims is based on Applicants' specification which does not disclose the use of absorbents other than ammonia, alkaline metal hydroxide and/or alkaline earth hydroxides as absorbents in the absorbent solution. The ammonia absorbent is claimed in Applicants' parent case, U.S. Patent No. 6,758,988. Thus, it is submitted that the language of the amendment is fully supported by the original specification. Claim 73 has also been amended to delete the limitation of the amount of the absorbent in view of original Claim 75 which is still in the application. Claims 74 and 77 are amended to correctly recite the formula.

Applicants' amended generic claims recite the absorbent as consisting essentially of at least one alkaline metal hydroxide, alkaline earth metal hydroxide or mixtures thereof, and thereby exclude substantial amounts of other absorbents, such as an alkali metal halide present in substantial amounts in all compositions disclosed in the primary reference Verma et al. (WO 97/49842). Claims 43-56 and 73 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Verma et al. in view of Chandler et al. The Examiner seeks to modify compositions of Verma et al. to include the amounts of alkaline metal hydroxide and other materials disclosed in Chandler et al. In the final rejection of February 15, 2007, the Examiner specifically states that the rejection is based on the combination of the Verma et al. and Chandler et al. to yield a third composition which contains absorbents of both references. However, the amended claims herewith do not include substantial amounts of other absorbents in view of the language of the claims reciting absorbents as consisting essentially of the hydroxides or mixtures of hydroxides. The combination of Chandler et al. and Verma et al. to arrive at a third composition containing the compositions of those references necessarily including substantial amounts of alkali metal halides does not meet the compositions recited in Applicants' claims. Accordingly, the rejection is improper and cannot be maintained.

Similarly, the rejection of Claims 57-63 and 74 under 35 U.S.C. § 103(a) as unpatentable over Verma et al. in view of Chandler et al. and further in view of Kujak et al. is improper, since

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the combination of references does not result in a composition as is recited in Applicants' claims for the aforesaid reasons.

The rejection of Claims 57-60, 62 and 74 under 35 U.S.C. § 103(a) as unpatentable over Verma et al. in view of Chandler et al. and further in view of Takahashi is improper for the aforesaid reasons. Similarly, the rejection of Claims 57-60 and 62 as obvious over Verma et al. in view of Chandler et al. and further in view of Yazaki Corp. is improper, as is the rejection of Claims 57-60 and 62 as unpatentable over Verma et al. in view of Chandler et al. and further in view of Greenley et al. Finally, the rejection of Claims 76 and 77 as unpatentable over Verma et al. in view of Greenley et al. and further in view of Chang et al. is improper. The Verma et al. absorbent composition is an aqueous alkaline metal halide solution with the absorbent being only an alkali metal halide. Such a composition is not recited in Applicants' claims as amended herewith, and thus the rejection is improper.

Applicants' believe the amendment herewith places the claims in condition for allowance, or in better form for appeal. Accordingly, entry of the amendment is respectfully requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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